

## EDUCATION DEPARTMENT[281]

### Notice of Intended Action

#### **Proposing rulemaking related to organization and operation and providing an opportunity for public comment**

The State Board of Education hereby proposes to rescind Chapter 1, “Organization and Operation,” Iowa Administrative Code, and to adopt a new chapter with the same title.

#### *Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code sections 17A.3, 256.1 and 256.7.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapter 256.

#### *Purpose and Summary*

As part of the Department of Education’s review of rules under Executive Order 10, the Department identified several instances where the current Chapter 1 duplicates statutory language, in addition to containing a dated organizational structure. This duplicative text has been removed from the proposed chapter.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

#### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on October 24, 2023. Comments should be directed to:

Thomas A. Mayes  
Department of Education  
Grimes State Office Building, Second Floor  
400 East 14th Street  
Des Moines, Iowa 50319-0146  
Phone: 515.281.8661  
Email: [thomas.mayes@iowa.gov](mailto:thomas.mayes@iowa.gov)

#### *Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

October 24, 2023  
9 to 9:30 a.m.

State Board Room, Second Floor  
Grimes State Office Building  
Des Moines, Iowa

October 24, 2023  
5 to 5:30 p.m.

Second Floor, Jim Hester Board Room  
Davenport Schools, Achievement Service Center  
1702 North Main Street  
Davenport, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 281—Chapter 1 and adopt the following **new** chapter in lieu thereof:

TITLE I  
GENERAL INFORMATION—  
DEPARTMENT OPERATIONS

CHAPTER 1  
ORGANIZATION AND OPERATION

**281—1.1(17A,256) State board of education.** The state board of education, authorized by Iowa Code chapter 256, is the governing and policy-forming body for the department of education.

**1.1(1) Membership.** The state board's membership is governed by Iowa Code sections 256.3 and 256.4.

**1.1(2) Meetings.** The board's meetings are governed by Iowa Code section 256.6. The majority of the board's meetings are held in the State Board Room, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319. By notice of the regularly published meeting agenda, the board may hold meetings in other areas of the state. The board may hold special meetings as provided in Iowa Code section 256.6.

**1.1(3) Compensation.** All voting members will receive compensation and reimbursement as provided in Iowa Code section 256.5. A student member will receive compensation pursuant to Iowa Code section 256.5A(6). If a student member's parent or guardian provides supervision pursuant to subrule 1.2(4), the parent or guardian will receive necessary expenses but not a per diem.

**281—1.2(17A,256) Student member of the state board of education.** The governor will appoint a public high school student to serve as a nonvoting member of the state board of education pursuant to Iowa Code section 256.5A.

**1.2(1) Term.** The nonvoting student member will serve a term from May 1 to April 30. The student member may serve a second year as the nonvoting student member without having to reapply for the position if the student has another year of high school eligibility remaining before graduation. A vacancy in the membership of the nonvoting student member will not be filled until the expiration of the term.

**1.2(2) *Qualifications.*** At the time of making application, a qualified nonvoting student member is to meet all of the following criteria:

- a. The student is a full-time, regularly enrolled tenth or eleventh grade student in an Iowa school district.
- b. The student has been regularly enrolled as a full-time student in the district of present enrollment for at least two consecutive semesters or the equivalent thereof.
- c. The student has a minimum cumulative grade point average in high school of 3.0 on a 4.0 scale (3.75 on a 5.0 scale).
- d. The student demonstrates participation in extracurricular and community activities, as well as an interest in serving on the state board.
- e. The student has the consent of the student's parent or guardian, as well as the approval of the student's district.

**1.2(3) *Application process.*** The application process for the nonvoting student member is as follows:

a. The department will, on behalf of the state board, prepare and disseminate application forms to all school districts in Iowa. In addition to the application itself, the student will submit all of the following:

- (1) A consent form signed by the student's parent or guardian.
- (2) An approval of the application signed by the superintendent of the student's district of enrollment or the superintendent's designee.
- (3) A letter of recommendation from a high school teacher from whom the student received instruction.
- (4) A letter of recommendation from a person in the community familiar with the student's community activities.

b. The number of applicants in a year from any one district is limited as follows:

- (1) If district enrollment for grades 10 through 12 is less than 400 students, there may be no more than one applicant from the district.
- (2) If district enrollment for grades 10 through 12 is between 400 and 1,199 students, there may be no more than two applicants from the district.
- (3) If district enrollment for grades 10 through 12 is 1,200 students or more, there may be no more than three applicants from the district.

c. All applications are to be submitted on or before February 1 of the year in which the term is to begin. Applications may be hand-delivered or postmarked on or before February 1 to the Iowa department of education.

d. All applications will be initially screened by a committee to be appointed by the director of the department. The initial screening committee will select not more than 20 semifinalists. If fewer than a total of 20 applications are received, the initial screening process may be omitted at the discretion of the director of the department.

e. The applications of the semifinalists will be reviewed by a committee appointed by the president of the state board. The committee will submit a list of two to five finalists to the governor, who will appoint the student member from the list submitted.

**1.2(4) *Participation of student member in official board activities.***

a. Upon appointment to the board, the student member is to, at a minimum, fulfill the following qualifications to remain eligible to serve:

(1) Maintain enrollment as a full-time student in an Iowa public school district (if the student moves or transfers from the district of application, the student will obtain the approval of the superintendent or the superintendent's designee in the student's new district of enrollment).

(2) Maintain a minimum cumulative grade point average in high school of 3.0 on a 4.0 scale or 3.75 on a 5.0 scale.

(3) Attend regularly scheduled board meetings as required of voting board members. As a nonvoting member, the student will not participate in any closed session of the board.

b. The student member's absences from school to participate in official state board activities will be excused absences. The student member's participation in board activities outside the regularly

scheduled meetings of the state board will be approved by the president of the board and the student's superintendent or the superintendent's designee.

*c.* If the student member is a minor, the student's parent or guardian will accompany the student while the student is participating in official state board activities at a location other than the student's resident community, unless the parent or guardian submits to the state board a signed release indicating that the parent or guardian has determined that such supervision is unnecessary.

*d.* The nonvoting student member is not considered for purposes of constituting the board's necessary quorum.

**281—1.3(17A,256) Director of the department of education.** The director is appointed pursuant to Iowa Code section 256.8 and performs such duties as assigned by the Iowa Code or the Iowa Administrative Code, including Iowa Code section 256.9.

**281—1.4(17A,256) Department of education.** The department of education is established by Iowa Code section 256.1 to perform the functions and duties set forth in that section, in other Iowa Code provisions, and in the Iowa Administrative Code. The department is organized into such divisions as established by statute or the director. The mailing address for the state board of education, the director, and all divisions of the department is Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

These rules are intended to implement Iowa Code section 17A.3.